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Attorneys for the United States of America

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. CR 11-00355 DLJ
	)	
v.	)	SECOND STIPULATION AND []
	)	PROTECTIVE ORDER REGARDING DISCOVERY
MIGUEL MIRANDA, et al.,	)	MATERIALS
	)	
	)	
Defendants.	)	
	)	
	)	

With the agreement of the parties and defendant's consent, the Court enters the following Order.

The defendants are charged in a Second Superseding Indictment with violations of: Title 18, United States Code, Section 1962(d) – Racketeering Conspiracy; Title 18, United States Code, Section 1959(a)(5) – Conspiracy to Commit Murder in Aid of Racketeering; Title 18, United States Code, Section 1959(a)(6) – Conspiracy to Commit Assault with a Deadly Weapon in Aid of Racketeering; Title 18, United States Code, Section 924(c)(1)(A) and 2 - Use/Possession of Firearm in Furtherance of Crime of Violence; Title 18, United States Code, Section 1959(a)(1) and 2 - Murder in Aid of

1 Racketeering; Title 18, United States Code, Section 1959(a)(5) and 2 - Attempted Murder in Aid of  
 2 Racketeering; Title 18, United States Code, Section 1959(a)(3) and 2 - Assault with a Dangerous  
 3 Weapon in Aid of Racketeering; Title 21, United States Code, Sections 846, 841(a)(1), and  
 4 841(b)(1)(A)(viii) – Conspiracy to Distribute Methamphetamine; Title 21, United States Code, Sections  
 5 841(a)(1) and 841(b)(1)(A)(viii) – Possession with Intent to Distribute and Distribution of 50 Grams or  
 6 More of Methamphetamine; Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(viii) –  
 7 Possession with Intent to Distribute and Distribution of 5 Grams or More Methamphetamine; Title 18,  
 8 United States Code, Section 924(c)(1)(A) and 2 - Use/Possession of Firearm in Furtherance of a Drug  
 9 Trafficking Crime; Title 18, United States Code, Section 922(g)(1) – Felon in Possession of a Firearm  
 10 and Ammunition; Title 18, United States Code, Section 922(k) – Possession of a Firearm with Serial  
 11 Number Removed. Per the defendants’ requests, the United States will produce documents and audio  
 12 and video recordings pertaining to the defendants and the charged racketeering, conspiracies, murder,  
 13 attempted murders, assaults, drug and gun transactions (hereinafter, the “DISCOVERY MATERIALS”)  
 14 to defense counsel, in lieu of making those DISCOVERY MATERIALS available for review only. Any  
 15 such materials are deemed produced pursuant to the following restrictions:

16           1.       Except when actively being examined for the purpose of the preparation of the  
 17 defense of defendant, the DISCOVERY MATERIALS shall be maintained in a locked, safe, and secure  
 18 drawer, cabinet, room or safe or secure electronic device (e.g., computer, memory stick), which is  
 19 accessible only to defense counsel, members of his or her law firm who are working with him or her to  
 20 prepare defendant’s defense, and his or her investigator(s). Defense counsel, members of his or her law  
 21 firm, defendant, and the investigator(s) shall not permit any person access of any kind to the  
 22 DISCOVERY MATERIALS except as set forth below.

23           2.       The following individuals may examine the DISCOVERY MATERIALS for the  
 24 sole purpose of preparing the defense of defendant and for no other purpose:

- 25                   a)       counsel for defendant;
- 26                   b)       members of defense counsel’s law office who are assisting with the
- 27                               preparation of defendant’s defense;

- 1 c) defendant, but only in the presence of defense counsel or another  
2 authorized person listed in this paragraph (defendant may not take or  
3 maintain the DISCOVERY MATERIALS or copies thereof); and  
4 d) investigators and/or experts retained by defendant to assist in the defense  
5 of this matter.

6 If defense counsel determines that additional persons are needed to review the  
7 DISCOVERY MATERIALS, he or she must obtain a further order of the Court before allowing any  
8 other individual to review the materials.

9 3. A copy of this Order shall be maintained with the DISCOVERY MATERIALS at  
10 all times.

11 4. All individuals other than defense counsel and defendant who receive access to  
12 the DISCOVERY MATERIALS, prior to receiving access to the materials, shall sign a copy of this  
13 Order acknowledging that:

- 14 a) they have reviewed the Order;  
15 b) they understand its contents;  
16 c) they agree that they will only access the DISCOVERY MATERIALS for  
17 the purposes of preparing a defense for defendant; and  
18 d) they understand that failure to abide by this Order may result in sanctions  
19 by this Court.

20 Counsel for defendant shall either: (1) send signed copies of the Order to counsel  
21 for the United States; or (2) file signed copies of the Order, ex parte and under seal. The United States  
22 shall have no access to the signed copies filed under seal without further order of the Court.

23 5. No other person shall be allowed to examine the DISCOVERY MATERIALS  
24 without further order of the Court. Examination of the DISCOVERY MATERIALS shall be done in a  
25 secure environment which will not expose the materials to other individuals not listed above.

26 6. The DISCOVERY MATERIALS may be duplicated to the extent necessary to  
27 prepare the defense of this matter. Any duplicates will be treated as originals in accordance with this  
28 Order.

7. If the DISCOVERY MATERIALS are attached to any pleadings or other court submissions, the DISCOVERY MATERIALS and any pleadings or submissions referencing those materials shall be filed or lodged under seal.

8. The defense team shall return the DISCOVERY MATERIALS (and any duplicate copies of the same) to the United States fourteen calendar days after any one of the following events, whichever is latest in time, occurs: dismissal of all charges against defendant; defendant's acquittal by court or jury; or the conclusion of any direct appeal.

9. After the conclusion of proceedings in the district court or any direct appeal in the above-captioned case, the United States will maintain a copy of the DISCOVERY MATERIALS. The United States will maintain the DISCOVERY MATERIALS until the time period for filing a motion pursuant to 28 U.S.C. § 2255 has expired. After the statutory time period for filing such a motion has expired, the United States may destroy the DISCOVERY MATERIALS. In the event defendant is represented by counsel and files a motion pursuant to 28 U.S.C. § 2255, the United States will provide that counsel with a copy of the DISCOVERY MATERIALS under the same restrictions as trial and direct appeal defense counsel. Defendant's attorney in any action under 28 U.S.C. § 2255 shall return the same materials fourteen calendar days after the district court's ruling on the motion or fourteen calendar days after the conclusion of any direct appeal of the district court's denial of the motion, whichever is later.

MELINDA HAAG  
United States Attorney

Dated: April 17, 2014

/s/  
\_\_\_\_\_  
CYNTHIA FREY  
STEPHEN MEYER  
AMIE D. ROONEY  
Assistant United States Attorneys

Dated: April 17, 2014

/s/  
\_\_\_\_\_  
THOMAS J. FERRITO  
Counsel for defendant MIGUEL MIRANDA

1 Dated: April 17, 2014

\_\_\_\_\_  
/s/  
MICHAEL HINKLEY  
Counsel for defendant JESSE AGUILAR

4 Dated: April 17, 2014

\_\_\_\_\_  
/s/  
W. MICHAEL WHELAN  
Counsel for defendant FRANCISCO FONSECA

7 Dated: April 17, 2014

\_\_\_\_\_  
/s/  
FRANK BELL  
Counsel for defendant JORGE CISNEROS

10 Dated: April 17, 2014

\_\_\_\_\_  
/s/  
ROBERT CAREY  
Counsel for defendant DANIEL CORTEZ

13 Dated: April 17, 2014

\_\_\_\_\_  
/s/  
JAMES M. THOMPSON  
Counsel for defendant JOSE DAVID SANCHEZ

16 Dated: April 17, 2014

\_\_\_\_\_  
/s/  
KENNETH H. WINE  
Counsel for defendant JUAN CHAVEZ

19 Dated: April 17, 2014

\_\_\_\_\_  
/s/  
GRAHAM E. ARCHER  
Counsel for defendant MARCOS LOMELI

22 Dated: April 17, 2014

\_\_\_\_\_  
/s/  
JACK GORDON  
Counsel for defendant JESSE PARRA

25 Dated: April 17, 2014

\_\_\_\_\_  
/s/  
HUGH LEVINE  
Counsel for defendant ANDY LAMB LOPEZ

1 Dated: April 17, 2014

\_\_\_\_\_  
/s/  
ALLEN SCHWARTZ  
Counsel for defendant JOSE ANGEL MORENO

4 Dated: April 17, 2014

\_\_\_\_\_  
/s/  
MICHELLE SPENCER  
Counsel for defendant FERNANDO CRUZ

7 Dated: April 17, 2014

\_\_\_\_\_  
/s/  
RICHARD POINTER  
Counsel for defendant JESUS ARMENDARIZ

10 Dated: April 17, 2014

\_\_\_\_\_  
/s/  
ALFREDO MORALES  
Counsel for defendant FELIX CRISTOBAL

13 Dated: April 17, 2014

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/s/  
PETER LEEMING  
Counsel for defendant MARIO GUERRERO

16 Dated: April 17, 2014

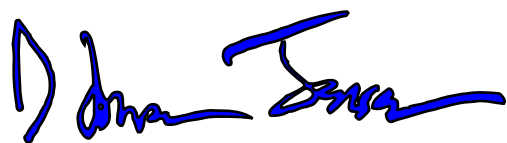
\_\_\_\_\_  
/s/  
MICHAEL STEPANIAN  
Counsel for defendant RAFAEL MARISCAL  
CAMBEROS

19 Dated: April 17, 2014

\_\_\_\_\_  
/s/  
ADAM PENNELLA  
Counsel for defendant MARIO CARDENAS

23 IT IS SO ORDERED that disclosure of the above-described materials shall be restricted as set  
24 forth above.

26 DATED: Oc{"" Fl, 2014

  
\_\_\_\_\_  
HONORABLE D. LOWELL JENSEN  
United States District Judge